



## City of Seattle

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### Department of Planning and Development

Diane M. Sugimura, Director

### CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

**Application Number:** 3015360  
**Applicant Name:** Lisa McNelis  
**Address of Proposal:** 2808 SW Genesee Street

#### **SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 26 ft. by 23 ft. 3 in. parking platform for existing duplex.

The following approvals are required:

**Variance:** To allow a structure greater than 18 in. above grade in the required front setback (SMC 23.45.518J).

**Variance:** To allow parking for an existing duplex to back out onto an arterial (SMC 23.54.030D1f).

**Environmentally Critical Areas Exception:** To allow development in a Category 2 wetland buffer pursuant to Section 25.09.300, Seattle Municipal Code.

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

#### **BACKGROUND DATA**

##### Site and Vicinity

The subject property is a 4,350 square foot lot, and is developed with an existing duplex built in 1911. It is zoned Lowrise 1 (LR1). The property is located in West Seattle and has frontage

along SW Genesee St, a collector arterial. It also abuts 28<sup>th</sup> Ave SW, an unopened right-of-way that houses an electrical vault, and slopes steeply down. There is an off-site Category 2 wetland to the northeast, and the site slopes off in this direction. The entire site is located within the 100' wetland buffer. There are five trees on-site. The West Seattle Golf Course is located across the street to the south. The houses to the west are predominately single-family residences with vehicular access from SW Genesee St. The two lots that abut the site to the north are developed with single-family residences and have vehicular access from SW Nevada St.

### Description of Proposal

A 26 ft. by 23 ft. 3 in. parking platform is proposed to provide two 8 ft. by 16 ft. parking spaces for the existing duplex. The platform is accessed from the fully improved SW Genesee St right-of-way, and a standard 10 ft. curbcut is proposed. Vehicles will back onto the street. The platform will be supported by concrete ecology block and backfill. One of the five trees on-site, a 12-caliper-inch plum tree which is not exceptional, is slated for removal. Within the required front setback, the platform is approximately 3 ft. above the existing grade, due to the slope. Outside of the setback, the height of the platform is 9 ft. 4 in. A 6 ft. 6 in. solid screen meeting SMC 23.45.536D2a is proposed to prevent vehicle lights from spilling over to the north abutting lots. Two aspects of the proposal require a variance from the land use code. These are 1) to allow a portion of the platform over 18 in. above grade in the required front setback, and 2) to allow vehicles to back out onto the arterial from a lot developed with a multi-family structure.

### Public Comment

One public comment was received during the extended public comment period. The project was re-noticed to include the ECA Exception and no comments were received during that time.

### ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

METRO added Bus Route 50 in the past year, which runs along SW Genesee St and eliminated all parking along this block on both sides of the street. The tenants had previously used street parking, which is no longer available. The closest street parking is approximately 500 ft. to the west on 30<sup>th</sup> Ave SW. The proposed parking is in a permitted location; however due to the slope a small portion of the access to the platform exceeds 18" within the required front 7 ft. setback. All of the other developed lots on this block front have vehicular access from the street and back out. As described above, the presence of a structure greater than 18 in. above grade in the required front setback requires variance relief, as does backing out onto the arterial. The recent loss of street parking and the site topography that necessitates the platform design are unusual conditions not created by the owner or applicant.

This criterion is met for the requested variances.

- 2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;***

Under current zoning standards, a multifamily structure requires one stall per dwelling unit. The proposal seeks to provide the minimum amount of parking, with one medium stall for each unit. The platform is located and designed to have the least amount of impact on the wetland buffer and existing mature vegetation, leaving four of the five trees in place. There is no alley or alternative vehicular access other than SW Genesee St. Vehicles for one single-family dwelling unit are permitted to back out onto an arterial based on safety analysis that addresses visibility, traffic volumes, and other relevant issues. The applicant provided a safety analysis documenting clear site lines as well as the existing pattern of driveways on this block front.

This criterion is met for the requested variances.

- 3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;***

The applicant submitted a safety analysis that demonstrates clear sight lines of the sidewalk and street for people backing out. There is good visibility from the sidewalk and street to the parking platform as well. There is an existing pattern of driveways to the west, all of which also back out onto this street. The vehicle lights will be screened as required in the land use code (SMC 23.45.536D2a) in order to minimize impacts on adjacent properties.

This criterion is met for the requested variances.

- 4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;***

The closest available street parking is located on 30<sup>th</sup> Ave SW, which is over 500' away. Using the allowances for additional parking in single-family zones as a guide (SMC 23.44.016D12), 200 ft. is a general baseline for proximity to street parking, and this is far exceeded. Parking in the 28<sup>th</sup> Ave SW is not possible because it is only improved to the extent to allow access to the electrical vault. As noted above, the closest available parking is over 500 ft. to the west. This would present a practical difficulty for occupants of the duplex.

This criterion is met for the required variances.

- 5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.***

For all the reasons stated above, the proposed variances are consistent with the spirit and intent of the land use code.

This criterion is met for the requested variances.

### **DECISION – VARIANCE**

The applicant has demonstrated the criteria for approval of a variance under SMC 23.40.020 have been satisfied. Therefore, the variances to allow a parking platform with a portion of the structure over 18 in. in the required front setback and to allow backing onto an arterial is **GRANTED**.

### **CONDITIONS – VARIANCE**

None.

### **ANALYSIS – ENVIRONMENTALLY CRITICAL AREAS (ECA) EXCEPTION**

Seattle Municipal Code Section 25.09.300.A allows an applicant to apply for an ECA exception for modification of ECA development standards if the Director concludes that no other applicable administrative remedies in SMC Chapter 25.09 (ECA regulations) or in SMC Title 23 (Seattle Land Use Code) will provide sufficient relief.

Seattle Municipal Code Section 25.09.300.B specifies information and studies to be provided by the applicants. Documentation showing that no other applicable administrative remedy would provide sufficient relief was provided by showing the off-site Category 2 wetland and its standard 100-foot protective buffer. The extent of the buffer covers all potential places to construct off-street parking with access from SW Genesee Street. There is no alley along the back of the lot so access off SW Genesee Street is the only option for creation of vehicle access to the lot. Potential administrative remedies in the Environmentally Critical Areas regulations (SMC 25.09) are not applicable to this site and the proposed development. The primary remedy available is a reduction in the required front and rear yard setbacks. However, the parking pad is not subject to the yard setback requirement and it has been situated as close to the front property line as possible.

The applicant provided a wetland study and wetland buffer enhancement plan which evaluates the wetland's current condition and function, and provides a vegetation enhancement plan to offset impacts from allowing a reduced buffer. The wetland buffer enhancement plan will add 200 native plants to the remaining buffer area to enhance habitat and create a more appropriate plant community. The applicant has submitted a wetland buffer enhancement plan which provides a plan to significantly enhance the degraded wetland buffer on the site. The plan contains three goals: 1) Improve wetland buffer functions by planting a dense, multi-layered native plant assemblage; 2) Improve habitat by increasing forage and cover opportunities for wildlife; and 3) Protect the wetland buffer from intrusion by humans and pets by installing critical areas signage. The plan includes a maintenance and monitoring plan to ensure performance goals for plant coverage and survival are met five years after installation. The report and its conclusions were reviewed and approved by the Seattle Department of Planning and Development's staff wetland reviewer.

Seattle Municipal Code Section 25.09.300.C states: *"The Director may modify or waive an environmentally critical areas development standard and/or the yard and setback standard for*

*front or rear yards when an applicant demonstrates by clear and convincing evidence that strict application of the development standards would not permit any reasonable use of the property and that development undertaken pursuant to the modified or waived standards would not cause significant injury to occupiers of the land, to other properties, and to public resources, or to the environment.”* As noted above, the applicant has demonstrated that the project is not feasible if general wetland development standards are applied. Implementation of the wetland buffer enhancement plan is not expected to cause significant injury to occupiers of the land, to other properties, and to public resources, or to the environment.

Seattle Municipal Code Section 25.09.300.D indicates that the relief granted by reduction, waiver, or modification of an environmental critical areas development standard or the front or rear yard shall be the minimum to allow reasonable use of the property and that preference shall be given to modifying or waiving the yard and setback standards for front or rear yards. In modifying a regulation, the Director may impose reasonable conditions that prevent or mitigate the same harm that the modified or waived regulation was intended to prevent or mitigate.

The existence a wetland buffer throughout nearly the entire property and the prohibition from building within these areas is clear and convincing evidence that strict application of the development standards would not permit the proposal. The wetland development standards under SMC 25.09.160 would effectively prohibit construction of any off-street parking to serve the two existing residential units (duplex) on this residentially zoned parcel unless relief is provided. The applicant has proposed achieving reasonable use of the property by constructing a parking pad for two vehicles covering approximately 605 square feet. The tenants of the duplex previously parked on SW Genesee St in front of the building. However, this parking was recently eliminated for increased bus service along this street. Now the nearest potential street parking is more than 500 feet from the building, making vehicle use inefficient and impractical. Currently, every other residence to the west on this block has off-street parking that can accommodate at least two vehicles (there are no residences to the east). Provision of one off-street parking space per dwelling unit is also a requirement for the property's zoning under the Land-Use Code (SMC 23.54.015]. Thus, this addition of the minimum parking currently required will bring the site closer toward conformance with the current zoning standards.

In order to minimize the impact to the wetland and wetland buffer, the applicant chose a relatively compact footprint for the parking pad and kept its location as far away from the wetland as possible. They have requested a variance to allow for “back-out” parking, which will greatly reduce impacts to the wetland and buffer by eliminating the need for a turnaround. The applicant has also incorporated a durable fence to separate the encroachment of the parking pad from the remainder or the wetland buffer.

No negative impact on public resources is expected to result from the proposed development. Soil stability is expected to be improved by the construction of the parking pad and addition of native vegetation. Available area to animals will be reduced in area, but the remaining wetland and wetland buffer will provide enhanced habitat through removal of invasive species and planting with appropriate native plants. These enhanced areas will be permanently preserved with an ECA Covenant.

### **DECISION – ENVIRONMENTALLY CRITICAL AREAS EXCEPTION**

The applicant has demonstrated the criteria for approval of an ECA Exception under SMC 25.09.300 have been satisfied. Therefore, the ECA Exception to allow land disturbing activity in the wetland buffer is **GRANTED**.

### **CODE REQUIREMENTS – ENVIRONMENTALLY CRITICAL AREA EXCEPTION**

#### **Prior to Commencement of Construction**

1. Obtain all necessary construction/building permits for design consistent with this Master Use Permit approval. Wetland buffer mitigation plans sheets shall be included in construction plan set as full-sized plan sheets.

#### **Prior to Building Permit final**

1. Implement the *Mitigation Plan for Hans George Hodges*, prepared by the Watershed Company, dated October 11<sup>th</sup>, 2013.

#### **For the Life of the Project**

1. Limit development and other disturbance on the site to that shown on the issued plans for this Master Use Permit 3015360.
2. Implement the ongoing maintenance and monitoring provisions of the *Mitigation Plan for Hans George Hodges*, prepared by the Watershed Company, dated October 11<sup>th</sup>, 2013.

### **CONDITIONS – ENVIRONMENTALLY CRITICAL AREA EXCEPTION**

None.

Signature: \_\_\_\_\_ (signature on file) Date: December 30, 2013  
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Department of Planning and Development

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